

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BANK OF NEW YORK MELLON,

Plaintiff,

v.

ASTORIA TRAILS NORTH HOMEOWNERS
ASSOCIATION, et al.,

Defendants.

AND ALL RELATED COUNTERCLAIMS.

Case No. 2:15-cv-00366-APG-CWH

**ORDER DENYING MOTIONS TO
DISMISS AS MOOT**

(Dkt. #27, #28)

In light of the stipulated dismissal of defendant/counterclaimant Collegium Fund, LLC's counterclaims against counterdefendants Denise Zitiello and David Zitiello (Dkt. #38),

IT IS ORDERED that counterdefendant Denise Zitiello's motion to dismiss (**Dkt. #27**) is **DENIED as moot**.

IT IS FURTHER ORDERED that counterdefendant David Zitiello's motion to dismiss (**Dkt. #31**) is **DENIED as moot**.

IT IS FURTHER ORDERED that the dismissal of these two counterdefendants does not impact the competing claims to the property with respect to the remaining parties in this case, nor does it relieve these counterdefendants of their obligations, if any, to the plaintiff Bank of New York Mellon.

DATED this 11th day of April, 2016.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE